

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL JAMES HICKS,

Plaintiff,

v.

P. KAHLON, et al.,

Defendants.

No. 2:23-cv-02830 KJM CKD P

ORDER

Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge as provided by 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On April 29, 2024, the magistrate judge filed findings and recommendations, which were served on plaintiff and which contained notice to plaintiff that objections could be filed. The court granted plaintiff two extensions of time to file objections, he did not file any. *See* Prior Order (May 13, 2024), ECF No. 10; Prior Order (June 27, 2024), ECF No. 12.¹

The court presumes that any findings of fact are correct. *See Orand v. United States*, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed de novo. *See Robbins v. Carey*, 481 F.3d 1143, 1147 (9th Cir. 2007) (“[D]eterminations of law

¹ While the Clerk's Office recently updated plaintiff's address, the court's prior orders extending time for plaintiff to file objections were not returned and so the court presumes plaintiff received those orders.

1 by the magistrate judge are reviewed de novo by both the district court and [the appellate]
2 court[.]”). Having reviewed the file, the court finds the findings and recommendations to be
3 supported by the record and by the proper analysis. *See also Hicks v. Yeh*, No. 22-06865, 2023
4 WL 2762045, at *1 (N.D. Cal. Mar. 15, 2023) (finding “plaintiff has been presenting the same
5 allegations regarding these medical conditions for more than five years” and has not
6 “demonstrate[d] that he is under imminent danger of serious physical injury”), *appeal dismissed*,
7 No. 23-15486, 2023 WL 4308954 (9th Cir. June 30, 2023).

8 Accordingly, IT IS HEREBY ORDERED that:

- 9 1. The findings and recommendations filed April 29, 2024 are adopted in full.
- 10 2. Plaintiff’s motion for leave to proceed in forma pauperis, *see* ECF No. 2, is denied.
- 11 3. Plaintiff is granted 14 days within which to pay the \$405 filing fee for this action.
- 12 Failure to pay the filing fee within 14 days will result in dismissal.
- 13 4. Plaintiff’s motion for preliminary injunctive relief, *see* ECF No. 7, is denied without
14 prejudice to renewal after plaintiff pays the filing fee.
- 15 5. This matter is referred back to the assigned magistrate judge for further pretrial
16 handling as provided by the local rules.

17 DATED: November 4, 2024.

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21 SENIOR UNITED STATES DISTRICT JUDGE
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